IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE ANTONY DOMINIC

TUESDAY, THE 23RD OCTOBER 2007 / 1ST KARTHIKA 1929

WP(C).No. 26944 of 2007(G)

PETITIONER:

B.PADMAKUMAR, S/O.P.KUNHIRAMAN NAIR,
CHAIRMAN, DR.AMBEDKAR MEMORIAL EDUCATION
TRUST, PERIYA, KASARAGOD.

BY ADV. SRI.M.SASINDRAN
SRI.TOJAN J. VATHIKULAM

RESPONDENTS:

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1. THE COMMISSIONER FOR LAND REVENUE,
THIRUVANANTHAPURAM.

2. THE DISTRICT COLLECTOR, KASARAGOD.

3. THE TAHSILDAR, HOSDURG, KASARAGOD.

BY G.P.SRI.I.V.PRAMOD

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 23/10/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

Antony Dominic, J.

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W.P.(C) No. 26944 of 2007

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Dated this the 23rd day of October, 2007

JUDGMENT

The writ petition has been filed by a Trust seeking to quash Exts. P2 and P4 orders and also for a direction to the respondents to assign 25 acres of land in R.S.No.314/1 of Periya Village in Hosdurg Taluk to the petitioner.

2. Ext.P7 is an application submitted by the Chairman of the Dr. Ambedkar Memorial Education Trust for assigning 25 acres of Government land in R.S.No.314/1 of Periya Village. The request of the petitioner was initially rejected by the 3rd respondent as per Ext.P2 order stating that the District Collector had instructed to reject the applications, which are not recommended by the Taluk Land Assignment Committee. Against Ext.P2 order, the petitioner filed appeal before the 1st respondent, which was also dismissed by Ext.P4 order. In Ext.P4 order it is stated that the assignment of land to institutions could be done by the Government based on the report and recommendations of the District Collector and in the instant case the

District Collector had reported that the appellant was running an unaided educational institution working on profit motive. It is further stated that according to the District Collector as there were large number of applications waiting for land assignment, alloting 25 acres of land to the petitioner would be highly unfair. Aggrieved by the above, the writ petition has been filed.

3. The petitioner does not have any vested right to insist that the government land should be assigned to them. Being a Government land, it is essentially for the Government to decide what lands are to be assigned and to whom. But, however, while considering the applications, the Government cannot act arbitrarily.

4. Considering the facts and circumstances of this case, I do not find any arbitrariness either in Ext.P2 or P4. The petitioner is an institution working for profit motive and therefore if at all they need land, it is for them to acquire the land. When several such applications are pending, it would be unfair to allot large extend of land to institutions like the petitioner.

5. This Court has also taken the view in Varkey Mathew V. Tahsildar (2007(3) KLT 682) that the Kerala Land Assignment Act or the Rules are not meant to enrich any one, but is intended to assign land to landless. Following the aforesaid decision, I see no reason to interfere with Exts.P2 and P4. Hence, the writ petition is dismissed.

Antony Dominic,
Judge.

mn.